

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PETER PEALE,

Plaintiff,

v.

STEVEN G. JAMES, *Superintendent of the
New York State Police,*

Defendant.

No. 23-CV-2292 (KMK)

ORDER

KENNETH M. KARAS, United States District Judge:

As an initial matter, the Court notes that New York State Police Superintendent Steven G. James (“James”) has been automatically substituted for former Acting New York State Police Superintendent Dominick L. Chiumento as Defendant in this Action pursuant to Federal Rule of Civil Procedure 25(d). The Clerk of Court is respectfully directed to update the docket accordingly.

Additionally, on March 28, 2024, the Court issued an Order to Show Cause, directing Plaintiff to show cause, by no later than April 29, 2024, as to why this case should not be dismissed for failure to serve. However, the Court now recognizes that a summons was never issued in this case in response to the Court’s April 3, 2023 Order of Service. Accordingly, the Clerk of Court is also respectfully directed to issue a summons as to Defendant James. James’s service address is 1220 Washington Avenue, Building 22, Albany, NY 12226. The Clerk of Court is further directed to mail the summons to Plaintiff’s address.

Plaintiff is directed to serve the summons and Complaint on James within 90 days of the issuance of the summons. If within those 90 days, Plaintiff has not either served James or

requested an extension of time to do so, the Court will dismiss the claims against James under Rules 4 and 41 of the Federal Rules of Civil Procedure for failure to prosecute.¹

SO ORDERED.

Dated: April 25, 2024
White Plains, New York



KENNETH M. KARAS
United States District Judge

¹ For questions about service, Plaintiff is directed to contact the Pro Se Intake Unit at 212-805-0175, or 300 Quarropas Street, White Plains, NY 10601.